

PRESIDENT: The call of the house is raised. Senator Landis.

SENATOR LANDIS: Mr. Speaker, the amendments to LB 401 are printed in your Journal on page 2085. Two things occur. First Senator Higgins suggested that there should be a better reporting mechanism particularly for allegations with respect to agency heads and this says if the contents of the report prepared pursuant to subsection 3 indicate a violation has occurred then a copy of such report shall be forwarded to the Clerk of the Legislature. If the contents of such report indicate no violation exists or has occurred, then a copy of the report shall be released only after a majority vote of the members of the Executive Board of the Legislature authorizes its release so that there is an additional check besides, and the point that Senator Higgins raised, than that of the Governor. There was also some concern on the part of Senator Beutler that this language be harmonized with at least some of the existing language with respect to the Public Counsel and that had to do with when the counsel would undertake an investigation and the situations under which one would be not necessary, which the Public Counsel would clearly have some direction where it would not be sensible to take up an investigation, when there exists another remedy, when the complaint is outside the Public Counsel's power as granted by this law or other laws, that the complaint is frivolous or trivial or vexatious, when there are more complaints that are worthy of attention than this complaint, or when there is insufficient resources for the Public Counsel to initiate an investigation. Additionally, it indicates that there is no affirmative obligation to carry out a demand by a state official for a Public Counsel request for investigation. That in other words the Public Counsel has the option pursuant to the tripwire of these five provisions. I should tell you that the model for that language is the existing ombudsman's language. I would move for the adoption of the amendment that appears on 2085 for the whistle blower bill.

PRESIDENT: Senator Haberman, do you wish to speak on this? The motion is the amendment offered by Senator Landis. Is there further discussion? If not, the motion is to adopt the amendment offered by Senator Landis. All those in favor vote aye, opposed vote no. The motion is the amendment offered by Senator Landis to LB 401. Please record your vote. May we have your attention please to the issue on the